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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,866	04/04/2000	Kenji Hirasawa	Q58719	6171

7590 04/05/2004
Sughrue Mion Zinn MacPeak & Seas PLLC
2100 Pennsylvania Avenue
Washington, DC 20037-3202

EXAMINER

LEE, SEUNG H

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,866

Applicant(s)

HIRASAWA, KENJI

Examiner

Seung H Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed on 02 January 2004, which has been entered in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 24, 25, 26, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguchi (US 5,646,392, of record).

Oguchi teaches an optical card scanning apparatus comprises an insertion port (2) for inserting card, a card traveling passage (3) serving as a card transporting path in which the card travels wherein the card insertion port is located at a closed to the insertion port, shutters (9 and 10) for opening/closing the card entrance by moving the shutter wherein the shutters are located adjacent to the card traveling passage, an shutter-driving electromagnetic solenoids (53 and 54) serving as a drive source for moving the shutter, a arms (51 and 52) serving as a connecting member and turning member, the end face of shutters are substantially parallel to the card traveling passage, two arms comprising plates (55 and 56) serving as a slide member in which the plates are moveable in parallel to the card traveling passage, bent portions (51a and

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52a) located between the connecting members and plates for controlling the movement of the arms or connecting members serving as a blocking portion, prehead (28) for detecting and verifying type the card, closing the shutter (9) after card entering the card traveling passage for preventing the entry of other objects in which also serves as a microswitch for detecting/verifying entry of the card into the card traveling passage (see Figs. 1-13; col. 5, line 6- col. 17, line 45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguchi in view of Aruga et al. (US 6,574,058, of record)(hereinafter referred to as 'Aruga').

The teachings of Oguchi have been discussed above.

Although, Oguchi teaches that a card reader comprises a shutter opening/closing mechanism including a shutter plate for blocking the card traveling path, he fails to particularly teach that the card reader comprises a groove for receiving the shutter plate.

However, Aruga teaches a card reader comprises a insertion slot (22) for inserting a card (14) in which the card is traveling along a card transferring path (24)

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wherein a groove is located adjacent to the card transferring path for receiving the shutter plate (25) (see Figs. 1, 7-11; col. 3, line 38+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Aruga to the teachings of Oguchi in order to provide an improved system wherein the shutter plate is closing the card transferring path firmly by inserting the shutter plate into the groove as shown in the figure 1 of Aruga in which prevents inserting of another card during processing (e.g., writing and/or reading information stored on the card, etc.).

Response to Arguments

6. Applicant's arguments with respect to claims 21, 24-29 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that "Oguchi does not disclose the blocking portion as claimed" (see page 14, line 3+), the Examiner respectfully disagrees with the applicant wherein Oguchi teaches the bent portion located between the connecting member and plates in which also serves as a blocking portion, that is, movable range of the plates (55 and 56) is limited according to the bent portions. Therefore, when interpreting the claimed limitations as broadly as is reasonably possible, the bent portion of Oguchi blocks the movement of the slides member.

In response to applicant's argument that "...none of the prior art reference teach or otherwise suggest a shutter plate that completely block the card transport path..." (see page 14, line 12+), the Examiner respectfully disagrees with applicant wherein the shutter plate of Oguchi completely closing the card transferring path in order to prevent entry of foreign objects therein.

In response to applicant's argument that "...nor does the prior art discloses a deep groove for receiving an entire side of the shutter plate." (see page 14, line 14, the Examiner respectfully provide Aruga reference wherein Aruga teaches a groove located adjacent to the card transferring path for receiving the shutter plate.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
April 01, 2004


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800